

**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

701 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Benjamin J. Griffin

202 434 7300  
202 434 7400 *fax*

*Direct dial 202-661-8720*  
bgriffin@mintz.com

February 5, 2003

**EX PARTE**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: ***Ex Parte***  
***In the Matter of Revision of Part 15 of the Commission's***  
***Rules Regarding Ultra-Wideband Transmission Systems,***  
***ET Docket No. 98-153***

---

Dear Ms. Dortch:

This letter is submitted on behalf of Warner Bros., a Division of Time Warner Entertainment Company, L.P. ("Warner") and The WB Television Network ("The WB") in support of the petition for reconsideration and related studies filed in the above-referenced proceeding by the Satellite Industry Association ("SIA"). Although Warner/The WB supports the development of Ultra-Wideband ("UWB") transmission systems as contemplated by the Commission in this proceeding, further analysis and testing are necessary with respect to the deployment of UWB devices using certain satellite reception frequencies.

Based on the studies done by SIA and some of its members, it appears highly likely that, without certain modifications to the Commission's UWB rules, UWB devices will cause significant interference to the reception of satellite signals in the C-band frequencies (3.7 – 4.2 GHz). Because the C-band frequencies are used for program distribution by Warner/The WB and almost all other cable and broadcast television networks, it is imperative that further analysis be done, and appropriate technical revisions be made in the FCC's UWB rules, to ensure that UWB technology can be deployed without disrupting television service to millions of consumers.

Warner/The WB are significant users of domestic C-band satellites to distribute television syndication programming, video on demand content and network television to several hundred C-Band commercial reception points (e.g., cable television headends, local TV affiliates, and syndication clients). Warner and The WB combine to feed content to all 212 DMAs within the broadcast community and license to numerous cable companies.

The studies submitted to the Commission by SIA demonstrate that the peak emission limits the Commission adopted for UWB devices are not sufficient to protect the thousands of C-band receive antennas deployed

Marlene H. Dortch, Secretary  
February 5, 2003  
Page 2

nationwide from harmful interference. In fact, studies show that UWB devices operating at their allowed peak power densities could interfere with C-band reception at distances of up to 4.4 kilometers between a UWB device and a satellite earth station. Given this interference potential, it is highly likely that widespread deployment of UWB devices under current technical rules would cause significant disruption to television network distribution.

Because of the substantial likelihood of interference, Warner/The WB submit that further study and testing of the use of C-band frequencies by UWB devices is required. Warner/The WB believe that the additional analysis will generate a "win-win" solution to UWB/C-band satellite frequency sharing through changes in the peak power density and pulse repetition frequency parameters currently permitted for UWB devices.

Based on the foregoing, Warner/The WB urge the Commission to defer adopting final technical rules for UWB devices until the C-band interference potential can be further studied and appropriate remedies adopted.

Respectfully submitted,

/s/

Benjamin J. Griffin

Counsel for Warner Bros. and The WB

BJG:JS:js

cc: Chairman Michael K. Powell  
Commissioner Kathleen Q. Abernathy  
Commissioner Michael J. Copps  
Commissioner Kevin J. Martin  
Commissioner Jonathan S. Adelstein  
Donald Abelson  
Edmond Thomas  
Bruce Franca  
Julius Knapp  
Bryan Tramont  
Jennifer Manner  
Paul Margie  
Sam Feder  
Barry Ohlson